

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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DONALD J. RICHARD  
Plaintiff

CIVIL ACTION NO.  
04-40066-NMG

U.S. DISTRICT COURT  
DISTRICT OF MASS.

v.

INDUSTRIAL COMMERCIAL  
ELECTRICAL CORPORATION  
Defendant

**AFFIDAVIT OF DONALD J. RICHARD**

I, Donald J. Richard hereby depose and say:

1. My name is Donald J. Richard. I am the Plaintiff in the above entitled action and reside in Winchendon, Massachusetts.

2. I became an employee of Industrial Commercial Electrical Corporation, Inc., (ICE) the Defendant in the above entitled action in April, 2003. At the time the company was located on Short Street in Worcester, Massachusetts. Prior to becoming an employee of ICE, I was an employee of Industrial Commercial Electrical, Inc., and had been since August, 1991. I believe that the Defendant purchased the assets of that corporation in a bankruptcy proceeding.

3. At the time that I became an employee of ICE, I was a foreman technician working on communications and other low voltage systems. As the foreman I was responsible for running the job and work. After the purchase my position remained the same..

4. As an employee of the defendant, I reported to the following persons: David Le Blanc (President); Dwayne Le Blanc (Project Manager); and Russ St. Pierre (Project Manager for Electrical Data).

5. I do remember Mike Scanlon coming to work in March, 2004. I do not know what his position was and I was never told that he was my supervisor.

6. In March, 2004, the company was in the process of moving from Short Street in Worcester to 14A Airport Drive, Hopedale, Massachusetts.

7. I have reviewed my mileage logs and time card for the week of March 15 through March 19, 2004.

8. During that week I worked in the shop and was involved in the move from Worcester to Hopedale. Specifically, I would drive from my home to Short Street in Worcester pick up and load material on my truck and transport it to the Hopedale location. In particular, I would pick up in Worcester filing cabinets, office modules, partitions, desks, counter tops, and transport them to the new shop, and put them in the Hopedale warehouse or office. This procedure is verified by my mileage logs.

9. On the date in question March 17, 2004, I went from my home in Worcester and then to Hopedale doing what I described above.

10. Other persons involved in the move were Dwayne Le Blanc, Wayne Johnson, a computer technician, David Le Blanc's son, , and an employee named Rick. The move from Worcester to Hopedale lasted about a month. I do not recall my making any comment to Mike Scanlon about working at David Le Blanc's house.

11. I never utilized company material to conduct work at any unauthorized location nor did I ever do any private work on company time. Any private work I did was on Saturdays.

12. On April 16, 2004, the date of my termination I was asked where David Le Blanc lived and to bring Karl Walsh (a director of ICE) to Dave's house. I was also threatened that if I didn't I would be terminated, when I did not tell them I was in fact terminated.

13. On April 24, 2004, I was told that I was terminated for stealing. I denied ever stealing or any wrong doing.

14. The accusation of my "stealing" is unfounded. While an employee of ICE I never did anything wrong.

15. The week in question my paycheck was approved by Dave and Dwayne Le Blanc for work involving the move of the shop and supplies from Worcester to Hopedale and for errands relating to the move.

Subscribed and sworn to under the pains and penalties of perjury this

5/17-04 day of May, 2004.

  
DONALD J. RICHARD

I HEREBY CERTIFY THAT A TRUE COPY OF  
THE ABOVE DOCUMENT WAS SERVED  
UPON THE ATTORNEY OF RECORD FOR  
EACH (OTHER) PARTY BY MAIL ON May 19, 2004  
SIGNATURE 